

6-19-96

**POTENTIAL PENALTIES RELATED
TO REMEDIAL ACTION IMPLEMENTATION**

1. Failure to maintain inward hydraulic gradient in the west containment cell from August 5, 1993 until September 3, 1993.
Violation of Section V. of the Consent Decree subject to CERCLA Section 109
Maximum penalty \$25,000 per day.
2. Failure to submit July 14, 1993 letter report prepared by Golder Associates.
Violation of Section VIII of the Consent Decree subject to Stipulated penalties as set forth in Section XV of the Decree.
EPA learned of the existence of the Golder Report on or about November 18, 1993.
3. Failure to notify at least 10 days in advance of a sampling event.
Violation of Section VIII.C. of the Decree subject to Stipulated penalties.
Monitoring well W-10 was resampled on November 23, 1993 and EPA did not receive notification until the next Quarterly Report on January 9, 1994.
4. Failure to notify EPA by phone within 24 hours of confirmation of the detection monitoring results showing a change in PCB level greater than 10 ppb.
Violation of Appendix VII, Section 3.0, page 7 subject to Stipulated penalties.
Monitoring well W-10 was sampled on November 22, 1993 and a PCB concentration of 52 ppb was detected. EPA received no phone notification.
5. Failure to note for reassessment reported values for PCBs of 1 ppb to 5 ppb above background.
Violation of Appendix VII, Section 3.0, page 7 subject to Stipulated penalties.
Wells W-9, W-10, W-11 and W-12 were sampled on March 4, 1994. PCB concentration detected in W-11 exceeded background by 3 ppb. This was not noted for reassessment in the next quarterly report of April 8, 1994.
6. The three categories of violations described in the November 1995 Golder Report are still under consideration. It is anticipated that with respect to the issues of Key Depth, Testing Frequency and Slurry Material that violations could be assessed both under Section 109 of CERCLA, as well as stipulated penalties for failure to notify.

